



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**'JUN 10 2013**

Mr. Randy R. Casey, Director  
Division of Mined Land Reclamation  
Commonwealth of Virginia  
Department of Mines, Minerals and Energy  
P.O. Drawer 900  
Big Stone Gap, Virginia 24219

Re: NPDES Permit No. VA0081411  
Lone Mountain Processing, Inc. – LMP Preparation Plant  
Straight Creek and Miller Cove Creek Watersheds, Lee County, VA  
EPA Receipt Date – May 8, 2013

Dear Mr. Casey:

In accordance with Section 402(d) of the Clean Water Act, 40 C.F.R. § 123.44, and the Memoranda of Agreement (MOA) governing the implementation of the National Pollutant Discharge Elimination System (NPDES) program in Virginia, the U.S. Environmental Protection Agency (EPA) Region III has reviewed the draft NPDES permit cited above. This letter serves as a notification of EPA's general objection, pursuant to 40 C.F.R. § 123.44(b)(1). Accordingly, the EPA will have until August 6, 2013 to complete its review, 90 days after the draft permit was received. See 40 C.F.R. § 123.44(b).

This facility is an existing 394.69 acre surface mining operation. This facility discharges treated wastewater and storm water runoff into Straight Creek and Miller Cove Creek watersheds. The Straight Creek is a Section 303(d) impaired stream for the benthic general standard. On June 8, 2006, EPA Region III approved the Straight Creek Total Maximum Daily Load (TMDL) for E. Coli, Total Dissolved Solids and Total Suspended Solids. This general objection informs you that the EPA may use the full 90-day review period, which will expire on August 6, 2013. EPA plans to use this additional time to consider the complexity of the draft permit and to discuss with the Virginia Department of Mines, Minerals and Energy (VA DMME) whether the draft permit requirements are in conformance with the assumptions and requirements of any available wasteload allocation found in the Straight Creek approved TMDL as required in 40 C.F.R. § 122.44(d)(1)(vii)(B).



If you have any questions concerning this matter, please contact Ms. Evelyn MacKnight at (215) 814-5717.

Sincerely,



Jon M. Capacasa, Director  
Water Protection Division

cc: Patrick Leedy, Lone Mountain Processing, Inc.

